

ORDINANCE NO. 1459

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING NEW CHAPTERS 8.25, 8.26 AND 8.27 ADOPTING REGULATIONS FOR THREE SPECIFIC CITY OVERWATER STRUCTURES AT ANCICH WATERFRONT PARK; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's Ancich Waterfront Park, guided by Resolution No. 949, has been constructed in phases and provides new access between the land and water for commercial fishing operators and the general public wanting to launch nonmotorized watercraft; and

WHEREAS, these phases include the reconstruction of three overwater structures consisting of the Ancich Pier, Ancich Netshed, and Jerkovich Pier that will stimulate the local economy through commercial fishing use, tourism, and heritage related activities; and

WHEREAS, these three overwater structures are located in the City's historic working waterfront, require specialized rules that are not covered by existing rules established for City Parks under GHMC 9.24 and the City Council desires to codify regulations regarding use of these structures; and

WHEREAS, these regulations may need to be amended as the City further develops the next phases of Ancich Waterfront Park. Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.25 - Added. A new chapter 8.25 entitled "Public Pier – Ancich Pier" is added to the Gig Harbor Municipal Code to read as follows:

8.25.010 Public use.

The Ancich Pier (Pier), located at approximately N 47° 20' 04", W 122° 35' 12", is part of the city of Gig Harbor's Ancich Waterfront Park extends over the waters of Gig Harbor for the use and enjoyment of commercial fishing operators and the general public, with limitations set forth in this chapter.

8.25.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

"Commercial Fishing Vessel" is a type of watercraft that is currently licensed for commercial fishing by a state government or a federally recognized Indian tribe and is actively used for the purposes of commercial fishing.

“Commercial Fishing Operator” is the user of a commercial fishing vessel who has received authorization from the city to use the Pier under a properly executed Ancich Pier Use Authorization form.

“User,” also known as an operator, is the person responsible for, or in control of, watercraft at the Pier.

“Watercraft,” also known as a vessel or boat, includes every description of watercraft on the water used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

8.25.030 Moorage by commercial fishing operators

Only Commercial Fishing Operators may moor watercraft to the Pier.

8.25.040 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed on the Pier.

8.25.050 Fueling, repairing, and maintaining of Watercraft.

There shall be no fueling, repairing, or maintaining of watercraft while moored to, or located on the Pier.

8.25.060 Motorized vehicles.

Only Commercial Fishing Operators may operate motorized vehicles on the Pier.

8.25.070 General public use.

The general public may use the Pier for enjoyment but shall not interfere or inhibit the use of the Pier by a Commercial Fishing Operator. Commercial fishing operators may, for short duration, restrict portions of the Pier for safety reasons, during mechanical evolutions that present an identifiable danger to others.

8.25.080 Queuing of watercraft

Any watercraft queued at the Pier shall be allowed access based on their place in the queue and may access the Pier in the order in which Commercial Fishing Operators arrive at the Pier.

8.25.090 Commercial activity.

Any commercial activity conducted by users from the Pier shall only be performed by Commercial Fishing Operators. Retail sales can only be performed by vendors who maintain a current business or peddler’s license from the City and any other required state or local license.

8.25.100 Storage - Restrictions

Users shall not store for any watercraft or commercial fishing gear or equipment on or over the grated surfaces of the Pier for a period exceeding 15 minutes.

8.25.110 Penalties and remedies.

A. Violations of this chapter shall be deemed a public nuisance under RCW 35.21.955 and in violation of the safety, health, morals and general welfare of the city.

B. Such remedies given by law for the prevention and abatement of nuisances shall apply hereto.

C. Appropriately located signs shall inform users of the Pier of the requirements expressed in this chapter and shall be deemed notice as warning of impoundment by violations.

D. Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in GHMC 1.16.010D. Each calendar day on which a violation of this chapter occurs shall constitute a separate civil infraction. Said violation shall be just cause for the violating watercraft to be cabled to the dock or removed to another City property to ensure compliance with this chapter. Upon proper notice in accordance with subsections F and G of this section, the violating watercraft shall be impounded.

E. For the purposes of this chapter, the fact that a watercraft has been so left beyond the permissible time periods without permission of the police department is prima facie evidence of abandonment.

F. The city and its local law enforcement officials may take immediate possession of and impound any vessel or watercraft when such vessel or watercraft, either without vessel registration displayed or where parties claiming ownership to said watercraft are not known, are found in violation of this chapter; provided, the city shall post signs in a conspicuous manner on or near Ancich Pier which notify the public that vessels moored in violation of the City's requirements shall be removed or impounded by the City.

G. Within five days of the impoundment of violating watercraft, the city shall notify by registered or certified letter said owner, if known, of the impoundment of the watercraft, the redemption procedure and the opportunity for hearing to contest the propriety of impoundment. If the owner of the watercraft is not known, publication of the watercraft's description, make, model, size, and color, plus details of impoundment, redemption

procedure and the opportunity for hearing to contest the propriety of impoundment within a newspaper of general and local readership shall constitute sufficient notice.

H. After 30 days of receipt of the registered or certified mail or publication in a general and local newspaper providing notice of the impoundment, the city shall hold for sale the impounded watercraft. Proceeds of the sale shall be applied to the towing and storage fees incurred through impoundment and any excess shall be deposited in the city treasury.

Section 2. Chapter 8.26 - Added. A new chapter 8.26 entitled “Public Netshed – Ancich Netshed” is added to the Gig Harbor Municipal Code to read as follows:

8.26.010 Public use.

The Ancich Netshed (Netshed), located at approximately N 47° 20' 03", W 122° 35' 13", is part of the city of Gig Harbor's Ancich Waterfront Park extends over the waters of Gig Harbor for the use and enjoyment of commercial fishing operators and the general public, with limitations set forth in this chapter.

8.26.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

“Commercial Fishing Vessel” is a type of watercraft that is currently licensed for commercial fishing by a state government or a federally recognized Indian tribe and is actively being operated for the purposes of commercial fishing.

“Commercial Fishing Operator” is the user of a commercial fishing vessel who has received authorization from the city to use the Netshed under a properly executed Ancich Netshed Use Authorization form.

“User,” also known as an operator, is the person responsible for, or in control of, watercraft making use of the Netshed.

“Watercraft,” also known as a vessel or boat, includes every description of watercraft on the water used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

8.26.030 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed in the Netshed.

8.26.040 Fueling, repairing, and maintaining of watercraft.

There shall be no fueling, repairing, or maintaining of watercraft in the Netshed.

8.26.050 Motorized vehicles.

Only Commercial Fishing Operators may operate motorized vehicles in the Netshed.

8.26.060 General public use.

When the Netshed doors are open, the general public may enter the Netshed but shall not interfere or inhibit the use of the Netshed by a Commercial Fishing Operator. Commercial fishing operators may, for short duration, restrict portions of the Netshed for safety reasons, during mechanical evolutions that present an identifiable danger to others.

8.26.070 Queuing of commercial fishing operators.

Any Commercial Fishing Operator queued at the Netshed shall be allowed access based on their place in the queue and may access the Netshed in the order in which users arrive at the Netshed.

8.26.080 Commercial activity.

Any commercial activity conducted by users from the Netshed shall only be performed by Commercial Fishing Operators. Retail sales can only be performed by vendors who maintain a current business or peddler's license from the City and any other required state or local license.

8.26.090 Penalties and remedies.

- A. Violations of this chapter by Operators shall be remedied in accordance with the properly executed Ancich Netshed Use Authorization form.
- B. Violations of this chapter by anyone else shall be remedied in accordance with GHMC 9.24.050.

Section 3. Chapter 8.27 - Added. A new chapter 8.27 entitled "Public Pier – Jerkovich Pier - is added to the Gig Harbor Municipal Code to read as follows:

8.27.010 Public use.

The Jerkovich Pier (Pier), located at approximately N 47° 20' 02", W 122° 35' 10", is part of the city of Gig Harbor's Ancich Waterfront Park extends over the waters of Gig Harbor Bay for the use and enjoyment of commercial fishing operators and the general public, with limitations set forth in this chapter.

8.27.020 Definitions.

For the purposes of this chapter, the definitions listed under this section shall be construed as specified in this section:

“Commercial Fishing Vessel” is a type of watercraft that is currently licensed for commercial fishing by a state government or a federally recognized Indian tribe and is actively being operated for the purposes of commercial fishing.

“Commercial Fishing Operator” is the user of a commercial fishing vessel who has received authorization from the city to use the Pier under a properly executed Jerkovich Pier Use Authorization form.

“User,” also known as an operator, is the person responsible for, or in control of, watercraft at the Pier.

“Watercraft,” also known as a vessel or boat, includes every description of watercraft on the water used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

8.27.030 No moorage.

No watercraft may moor to the Pier.

8.27.040 Storage - Restrictions

Users shall not store for any watercraft or commercial fishing gear or equipment on or over the grated surfaces of the Pier for a period exceeding 15 minutes.

8.27.050 Alcoholic beverages prohibited.

There shall be no alcoholic beverages consumed on the Pier.

8.27.060 Fueling, repairing, and maintaining of Watercraft.

There shall be no fueling, repairing, or maintaining of watercraft located on the Pier.

8.27.070 Motorized vehicles.

Only Commercial Fishing Operators may operate motorized vehicles on the Pier.

8.27.080 General public use.

The general public may use the Pier for enjoyment but shall not interfere or inhibit the use of the Pier by a Commercial Fishing Operator.

8.27.090 Commercial activity.

Any commercial activity conducted by users from the Pier shall only be performed by Commercial Fishing Operators. Retail sales can only be performed by vendors who maintain a current business or peddler's license from the City and any other required state or local license

8.27.100 Penalties and remedies.

A. Violations of this chapter shall be deemed a public nuisance under RCW 35.21.955 and in violation of the safety, health, morals and general welfare of the city.

B. Such remedies given by law for the prevention and abatement of nuisances shall apply hereto.

C. Appropriately located signs shall inform users of the Pier of the requirements expressed in this chapter and shall be deemed notice as warning of impoundment by violations.

D. Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in GHMC 1.16.010D. Each calendar day on which a violation of this chapter occurs shall constitute a separate civil infraction. Said violation shall be just cause for the violating watercraft to be cabled to the dock or removed to another City property to ensure compliance with this chapter. Upon proper notice in accordance with subsections F and G of this section, the violating watercraft shall be impounded.

E. For the purposes of this chapter, the fact that a watercraft has been so left beyond the permissible time periods without permission of the police department is prima facie evidence of abandonment.

F. The city and its local law enforcement officials may take immediate possession of and impound any vessel or watercraft when such vessel or watercraft, either without vessel registration displayed or where parties claiming ownership to said watercraft are not known, are found in violation of this chapter; provided, the city shall post signs in a conspicuous manner on or near Jerkovich Pier which notify the public that vessels moored in violation of the City's requirements shall be removed or impounded by the City.

G. Within five days of the impoundment of violating watercraft, the city shall notify by registered or certified letter said owner, if known, of the impoundment of the watercraft, the redemption procedure and the opportunity for hearing to contest the propriety of impoundment. If the owner of the watercraft is not known, publication of the watercraft's description, make, model, size, and color, plus details of impoundment, redemption procedure and the opportunity for hearing to contest the propriety of impoundment within a newspaper of general and local readership shall constitute sufficient notice.

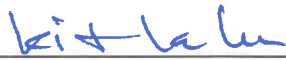
H. After 30 days of receipt of the registered or certified mail or publication in a general and local newspaper providing notice of the impoundment, the city shall hold for sale the impounded watercraft. Proceeds of the sale shall be applied to the towing and storage fees incurred through impoundment and any excess shall be deposited in the city treasury.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance shall take effect and be in full force and effect five days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 12th day of April, 2021.

CITY OF GIG HARBOR



Mayor Kit Kuhn

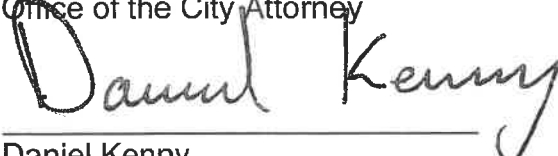
ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney



Daniel Kenny

FILED WITH THE CITY CLERK: 03/17/21
PASSED BY THE CITY COUNCIL: 04/12/21
PUBLISHED: 04/15/21
EFFECTIVE DATE: 04/20/21
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